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ON THE DRY SIDE 392

Supply

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The WA Government has successfully maintained the bluff that Parliaments which block supply are unprincipled. The Government is wrong: supply is Parliament's prerogative.

Kings and their Ministers have always resented Parliaments, and Australian Ministers are no exception. In most things they don't need Parliament: they command, authorise and appoint by the authority of existing laws. Money is the exception. Twice a year the Crown must go to Parliament for supply. However, since the advent of strong political parties, they do not go cap in hand. Nevertheless, the prime responsibility of a Westminster-type Parliament remains, as it always has been, that of granting or withholding supply. Parliament's weakness---arguably, the tragedy of the modern Parliament---is that, dominated by strong political parties, the threat to withhold supply has become idle.

To dispose of a myth: Parliament is singularly unsuited to consideration of the detail of legislation and it barely attempts the task. In nine years as a Federal MP I can recollect successfully altering only two clauses of one bill by motion from the floor of the Chamber, and I am not sure I got them right.

Parliament has other achievements, but its vital tasks are to elect the principal minister and to grant or withhold supply. The power to veto the raising and spending of money has a long and mostly honourable history. It has served the common people well.

One of the first acts of the Long Parliament, 1640-1653, was to close every means of raising money by the Crown without the consent of the Commons, giving rise to a dispute which ultimately cost Charles I his head and plunged Britain into civil war. The Restoration in 1660 restored immediate authority to the Crown, but Parliament retained the right to raise monies additional to the King's still extensive

revenues, and Parliament developed the practice of 'appropriating' these added revenues for specified expenditure by the Crown. Thus it was by employing its power to grant or refuse supply, that the Commons established and maintained such power as it had over the Crown and its Ministers. Then, as now, the Crown tried to avoid Parliament's authority. Indeed, the fights were so bitter that Parliament exiled one of Charles II's Chief Ministers, Clarendon, and impeached another, Danby.

In this context the modern constitution (of Britain) begins with the terms upon which William and Mary accepted the Crown in 1688, and the codification of those terms in the Bill of Rights in the following year. For the first time it was made plain that the Kingdom was not the property of the Monarch of the day. A new idea of Royal authority was asserted: the Crown was but part of the State machinery and the function of that machinery was to serve not itself, nor its mates, but the people at large.

Even then, the perpetrators of scandals like WA Inc. would have been in trouble! For Ministers to claim that, although they diverted public resources to the modern equivalent of courtiers and misled Parliament, they, nonetheless, acted with the best intentions, is hardly believable. No Minister could be so ignorant of history, nor so ill-advised.

After 1688, Parliament adopted the practice of appropriating nearly all public expenditure. This had the effect of limiting the King's choice of Ministers to those who could, in practice, expect majority support from Parliament. Other groups of advisers, that is, those that did not have Parliament's confidence, became powerless. The Crown was now 'responsible' to Parliament, but only because Parliament could refuse supply. When, much later, the franchise was extended and Parliament became properly democratic so, under threat of blocked supply, the Government also became democratic.

The trouble with modern Westminster Parliaments is that they don't threaten to block supply anywhere near often enough, and Governments, although constrained by notions of propriety that have come a long way since 1688, sometimes get away with blue murder. Parliaments are weak because of the hegemony of ruling political parties, which threaten political extinction to individuals who cross the floor on vital votes. The public loses.

Further to restrict the arrogance of the Crown, all Australian Parliaments, bar that of Queensland, have a second Chamber---an Upper House. These are elected differently from the Lower Houses and their MPs have terms that overlap those of the Lower Houses. Thus it is hoped that they will not, in fact, be dominated by people who are blindly loyal to the Crown's temporary Ministers. The Upper Houses have also been given power over supply. Without this power they would indeed be trivial, because the selection of the chief Ministers who

select the Cabinets, is denied to them---the no-confidence motions of Upper Houses don't count.

When discussing the shameful government of Queensland, the Fitzgerald report commented on the absence of an Upper House. Fitzgerald might have gone further by pointing out that, to be useful, Upper Houses must exercise their powers.

The Crown, mendacious and blustering as always, has taken to pretending that Parliaments which block supply disrupt the normal business of Government, including paying the civil servants and the pensioners. This is nonsense. A Ministry that cannot get supply has three lawful choices. First, it might mend its ways to the satisfaction of Parliament. Since there are two chambers to satisfy, it must be admitted that this may not always be possible. Second, it might yield office to other Ministers who can get supply. Third, it might call an election in the hope that the public will decide the issue in its favour. Only should the Crown not yield to the authority of Parliament will government be disrupted. Whitlam's idle threat to tough it out notwithstanding, most people thought that Parliament's right to deny money to the Crown had been settled at Naseby in 1645, when Cromwell beat the King's army.

As for elections: try telling people in other countries, who do not have them, that these are too costly.

Moreover, Governments that are not constantly and effectly answerable to the people tend to become really costly. Therefore, supply should be threatened whenever a Government deserves a swift kick. In fact, because governments would mend their ways, they would not often be forced to the people. The alternative view is that the proles are not to be trusted and governments govern by right that can never be withdrawn. That was how the Stuart Kings saw it; so did such moderns as Stalin.

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